IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.167 OF 2006
WITH
CIVIL APPLICATION NO.229 OF 2006

Mrs.Navanita Atul Lal & Anr. ..Appellants.

V/s.

The Municipal Corpn. of Gr.Mumbai..Respondent.

Mr. J.G.Damani for appellants.

Mr.A.Y.Sakhare, Sr.Advocate with Mr. Malandkar, for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 20, 2006.

P.C. :

1. Heard.

2. From the affidavit of Mr.Prakash D.Dabholkar, Sub-Engineer, P/North Ward, as filed by the Corporation, it is obvious that the suit structure was demolished in January, 2005 after following due process of law. The argument of the appellants that there is discrepancy in the record with reference to the name of the owner of the structure, that will make no difference to the ultimate decision to be reached. For, the fact remains that the suit structure was demolished in January, 2005 as is obvious from the record produced by the Corporation

before this court. If it is so, as per the extant policy of the Corporation, no fault can be found with the decision of the Corporation to withdraw the standpost water connection which was available to the earlier structure. Accordingly, this appeal as well as civil application should fail. The same are dismissed.

3. At this stage, counsel for the appellants prays that corporation be directed to consider the request of the appellants for providing water connection to the suit structure on humanitarian ground as the appellants are occupants of the suit structure alongwith their family members. If such application is made, Corporation may consider the same on its own merits in accordance with the law.